

CHAPTER 3: SUMMARY FROM THE FORENSIC INVESTIGATION INTO ALLEGATIONS OF IRREGULAR APPOINTMENT OF EDUCATORS AT SCHOOLS AS REPORTED IN THE MEDIA AND ELSEWHERE

3.1 SYNOPSIS

When reading this report, the following must be kept in mind: This report contains a number of factual findings made by the Panel. The Report also contains various recommendations that are based on the factual findings. However, the report does not amount to conclusions on matters of law. Such conclusions may only be drawn by the relevant authorities who have the necessary competency to draw such conclusions. We have however highlighted certain acts which in our view may amount to criminal misconduct. Where such instances have been identified, we recommend that the matter be further investigated by the relevant law enforcement authorities to establish whether grounds for prosecution exist.

	NO OF SCHOOLS IN PROVINCE AS % OF NATIONAL	FINALISED	FURTHER INVESTIGATION	WRONGDOING	TOTAL	% OF ALL CASES INVESTIGATED
EC	23	11	3	1	15	18.5
Gauteng	8.5	1	2	1	4	4.9
KwaZulu-Natal	24.6	7	8	4	19	23.5
Limpopo	16.3	19	1	0	20	24.7
Mpumalanga	7.3	4	0	1	5	6.1
North West	6.4	7	4	7	18	19.8
TOTAL	86,1	43	22	16	81	100

NB: THE NAMES OF THE PERSONS IN THE TABLES BELOW, HAVE BEEN EXPUNGED AND REPLACED WITH CODES, BECAUSE THE FORENSIC INVESTIGATIONS ARE STILL ONGOING. THIS WAS DONE TO ADHERE TO THE PRINCIPLES OF THE “PRESUMPTION OF INNOCENCE” AND THE “AUDI ALTEREM PARTEM”.

3.2 INVESTIGATIONS INTO MEDIA REPORTS AND LEADS IN RELATION TO OF KWAZULU NATAL

	Summary of issues raised	Findings	Contraventions of policy/ legislation
1	<p>Article published in the City Press on 27 April 2014</p> <p>Based on Media reports it was alleged that Mr KZN-1, a District Director was implicated in the murder of MrKZN-2 who allegedly blew the whistle on corruption within SADTU.</p>	<ul style="list-style-type: none"> ○ Mr KZN-1 was charged with conspiracy to commit murder. ○ At the request of the SAPS the Task Team did not interview any of the witnesses involved in the matter. ○ Mr KZN-1 was however recently acquitted on the charges. 	None noted.
Recommendations			
That no further action be taken in this regard.			
2	<p>Matters reported by Ilembe District Director, Ms KZN-3</p> <p>It is alleged that there are often clashes between the SGBs and SADTU and SADTU often oversteps their role as observers to the appointment process and participates by “bulling” members of the SGBs in order to favour their members.</p> <p>Appointments at the following schools have been affected:</p> <ul style="list-style-type: none"> ○ Rhada Roopsingh ○ New Guelderland Combined School ○ Chief Albert Luthuli. 	<p>KZN-4</p> <p>The Department representative (Mr KZN-4) stopped the process based on the circular dated 5 September 2015.</p> <p>The ELRC also evaluated the claims by Mr KZN-5 and failed to find any procedural irregularities during the interview process and the scoring of Mr KZN-6’s CV with the missing pages.</p> <p>New Guilderland Combined School</p> <p>The SGB requested the Department to take over the appointment process based on the fact that they could not form a quorum.</p> <p>The panel met to do the interviews and on two occasions</p>	<p>None noted.</p> <p>Undue interference by union officials.</p>

	Summary of issues raised	Findings	Contraventions of policy/ legislation
		<p>SADTU representatives disrupted the process.</p> <p>The Department obtained an interdict to prevent them from disrupting the process.</p> <p>The Department shortlisted and interviewed the candidates and confirmation of the appointment is waited by the HOD.</p> <p>Chief Albert Luthuli</p> <p>In this matter SADTU officials also disrupted the interviewing process on several occasions.</p> <p>The process was moved to another location to prevent disruptions and a candidate has been appointed.</p> <p>SADTU lodged a grievance which was later withdrawn.</p>	Undue interference by union officials.
Recommendations			
We recommend that no further action be considered in these matters.			
3	<p>Matters reported by Mr KZN-8, a District Director</p> <p>It is alleged that there is manipulation of the appointment process through delays in appointing principals in order to retain the acting principals in duty as well as through bribery of SGB members and post fixing.</p> <p>The following irregularities pertaining to Mr KZN-9 were identified:</p> <p>It was alleged that Mr KZN-9:</p>	<p>Findings pertaining to Mr KZN-9</p> <p>According to the Detective, records show that Mr KZN-9 was arrested for Malicious Damage to Property with case number 102/8/2014.</p> <p>Detective also stated that there was no arrest for corruption of bribery against Mr KZN-9 on their system.</p> <p>Findings pertaining to Ms KZN-10</p> <p>While Mr KZN-11 was awaiting for the outcome of the interviews, he was approached by the branch secretary, Ms</p>	<p>None noted.</p> <p>Corruption.</p>

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<ul style="list-style-type: none"> Was involved in selling of PL1 posts and promotional posts, bribery and post fixing. Mr III was previously allegedly arrested for Bribery. That he manipulated and bullied the SGBs and forced them to sign appointment letters. <p>The following irregularities pertaining to Ms KZN-10 were identified:</p> <p>It was alleged that Ms KZN-10 Solicited a bribe from a candidate, Mr KZN-11, in order to release an appointment letter.</p> <p>Alleged irregularities committed by Mr KZN-12 of Kenville Primary School's SGB</p> <p>Based on documents provided by Mr KZN-13 where Mr KZN-12 SGB Chairperson attempted to solicit a bribe from Ms KZN-13 who was the acting principal of the school.</p>	<p>KZN-10 stating that the appointment letter would not be released unless he paid her R1 000. He only had R500 and paid her this amount.</p> <p>Ms KZN-10 confessed in a meeting which was held at Umlazi on the 20th of October 2014 that she demanded a bribe of R1 000-00 from Mr KZN-11 which was to be paid in two instalments.</p> <p>Ms KZN-10 alleged that Mr KZN-12 attempted to solicit a bribe of R50 000 from her in order to secure a post as Deputy Principal.</p> <p>Mr KZN-12 refused to be interviewed.</p>	Corruption.
Recommendations			
<p>In terms of the allegations against Mr KZN-12, the matter should be regarded as finalised as we found no substance to the allegations.</p> <p>In terms of the allegations against Ms KZN-10, we recommend that:</p> <ul style="list-style-type: none"> The Department institute disciplinary proceedings against Ms KZN-10. The matter be reported to the SAPS for further investigation. <p>In terms of the allegation against Mr KZN-7 we recommend that he Department lease with the SAPS to investigate the matter further</p>			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
5	<p>Report by the SGB foundation</p> <p>A report issued by The Governing Body Foundation's, Ms KZN-14 highlighted alleged appointment irregularities within the following schools in KwaZulu Natal:</p> <ul style="list-style-type: none"> ○ Clayhaven Primary School ○ Lenham Primary School ○ Waterloo Primary School. 	<p>Clayhaven and Lenham Primary School</p> <p>We conclude that the DOE after issuing the appointment letter to Mr KZN-15 as Principal of Lenham Primary, issued an appointment letter to Ms KZN-16, which appears to be a decision from the HOD's office.</p> <p>The appointment of Ms KZN-16 was allegedly rescinded by the HOD, which impacts on the placement of Ms KZN-16 at Clayhaven Primary as Principal due to being a surplus official, in that the placement appears invalid.</p> <p>Waterloo Primary School</p> <p>We conclude that the matter be considered as finalised as DOE halted the interview and selection process for the Principal position and found irregularities with the compilation of the Interview Committee.</p> <p>However, the Interview Committee was allowed to continue with the process and the Principal was appointed.</p>	
Recommendations			
<p>Clayhaven and Lenham Primary</p> <p>We recommend that the DOE re-advertise the Principal position at Clayhaven and that in consultation with the SGB, the proper procedures be followed in shortlisting and interviewing prospective candidates. Furthermore that the DOE re-evaluate the placement of Ms KZN-16 as principal of Clayhaven Primary School, based on the fact that the Lenham Primary appointment was rescinded.</p> <p>Waterloo Primary</p>			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
We recommend that the matter be considered as finalised.			
6	<p>Irregularities in the appointment of Principal at Seven Fountains Primary School (Kokstad)</p> <p>A SADTU observer, Ms KZN-17, allegedly offered a bribe to a member of the SGB to influence the scoring to favour a candidate, Ms KZN-17.</p>	<p>A member of the SGB and the Interview panel alleged that the evening before the shortlisting Ms KZN-17, who was part of the process as an SADTU observer approached him at his house and offered to pay him R30 000 in order to ensure that Ms KZN-18 (SADTU Branch Secretary) was shortlisted.</p> <p>She offered to inform him how to identify Ms KZN-17's CV. He refused.</p> <p>Ms KZN-17 was not shortlisted and Ms KZN-18 refused to sign the EHR 8 (Assessment of CV) and EHR 9 (Schedule of Shortlisted Applicants) in respect of Mr KZN-19.</p> <p>Ms KZN-18 appeared to be aggrieved that Ms KZN-17 was not shortlisted. The Committee proceeded to forward the short-listed candidates to the Department and recommended that Mr KZN-19 be appointed.</p> <p>SADTU registered a grievance in the name of another candidate who withdrew the grievance as she was not aware that SADTU had lodged the grievance in her name.</p> <p>SADTU then lodged a further grievance in the name of Ms KZN-17.</p> <p>We note that the members of the SGB did not want to</p>	Possible Corruption.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
		make an affidavit out of fear of reprisal.	
Recommendations			
We recommend that the Department report the matter to the SAPS for further investigation.			
7	Simla Primary School It is alleged that on the day prior to the interview process, Mr KZN-20 met with Dr KZN-21 , of Rose Heights Primary, who promised him the Principal position at Simla Primary and that the post was "in the bag" as he knew the chairperson of the Interview Committee.	Mr KZN-20 was appointed as the principal at Simla Primary. There appears to be substance to the allegation that the appointment of Mr KZN-20's appointment was irregular and improper.	Corruption.
Recommendations			
We recommend that the matter be investigated to determine the roles played by the DOE representatives and the Interview Committee chairperson during the interview process and the subsequent appointment of Mr KZN-20 . That the matter be reported to SAPS.			
8	Highlands Primary School The Department received an anonymous letter wherein it was alleged that corruption took place in the promotion of principals and office based personnel within the KZN Department of Education. A number of individuals paid large sums of money to Mr KZN-22 of SADTU in order to secure positions. The following individuals were implicated in the letter:	It appears that Dr KZN-21 was the author of the anonymous letter and Dr KZN-21 could not provide any evidence for the allegations made. No further evidence came to light to substantiate the allegations.	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<ul style="list-style-type: none"> ○ <i>Mr KZN-22</i> ○ <i>KZN-23</i> ○ <i>Mr KZN-24</i> ○ <i>Mr KZN-25.</i> 		
Recommendations			
No further action to be taken unless new information comes to light.			

3.3 INVESTIGATIONS INTO MEDIA REPORTS AND OTHER LEADS OBTAINED IN GAUTENG

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	The GDE appointed Nchupetsang Attorneys on 14 May 2014 to investigate allegations of sale of posts in the Gauteng Province.	<p>Nchupetsang found, amongst others that:</p> <ul style="list-style-type: none"> ○ The allegations of posts being sold for cash were found to be true. ○ There are corrupt procurement processes and maladministration by SGBs when selecting and appointing teachers to top positions. ○ The parties involved operate like a network involving SGBs, union Officials, Principals. ○ Most SGBs, especially in Townships and Rural settlements are uneducated and ill-equipped to understand and manage the Human Resource matters. ○ SADTU takes advantage of SGBs who are poor and 	Possible corruption.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
		<p>uneducated by influencing them to recommend their own preferred comrades into promotional positions.</p> <ul style="list-style-type: none"> ○ In most cases there is no proof or evidence to confirm these corruption allegations and this makes it difficult for most teachers who want to report the activities. ○ Most Teachers (SADTU members) with minimum qualifications are placed in top positions which they do not qualify for. ○ Most educators and District Officials are afraid to talk because of fear of victimisation. <p>Nchupetsang recommended disciplinary action against the implicated individuals.</p> <p>It transpired that the witnesses did not commit to written statements and no further action was taken.</p> <p>The MTT endeavoured to obtain written statements from the witnesses concerned.</p> <p>The witnesses however again failed to cooperate.</p>	
Recommendations			
Given the serious nature of the allegations, we recommend that the Department report the matters to the SAPS for further investigation.			
Recommendations			
5	Cultura High School	The DBE task team could not find proof that <i>Mr GAU-1</i>	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>During August 2015, the Department of Education received allegations of irregular appointments of Mr GAU-1 and Ms GAU-2. According to the allegation, Mr GAU-1, the Principal of Cultura High School, appointed his son GAU-3, as a technology teacher level one and his wife GAU-4 without following proper channels.</p>	<p>contacted the District to inform them of the problem they had of not getting responses from their advertisement nor could proof be obtained of the fact that Mr GAU-1 obtained the list of possible candidates.</p> <ul style="list-style-type: none"> ○ Mr GAU-3 claims to have initiated the search for a teacher who could teach Engineering Graphic Design as well as Technology, however, Mr GAU-1 stated that he and his father first went to the District Director regarding the addition of Engineering Graphic Design. Mr GAU-1 contradicted himself when he said Ms GAU-4 gave him a print out because he had previously written in his report that the District sent him the list. ○ Furthermore, Mr GAU-1 could not give proof of the SGBs resolution to appoint parents when three or more teachers are absent. He further lied when he said that parents, including Mrs GAU-4, would be paid a stipend of R120 as the EFTs found indicated that Mrs GAU-4 was paid R150 per day. Mrs GAU-4 was paid a total of R109 413.17 that was unsupported by SGB resolutions. ○ Mr GAU-1 is unreliable as he contradicted himself on more than one occasion. It is not clear how Mr GAU-3 came to be at the school as Mr GAU-3, Mr GAU-1 and 	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
		<i>Mr GAU-5</i> all tell stories that differ.	
Recommendations			
Based on the findings, it is recommended that disciplinary steps be taken against <i>Mr GAU-1</i> for nepotism and corruption as he used his position as principal to favour his wife <i>Mrs GAU-4</i> and his son <i>Mr GAU-3</i> , as well as the irregular expenditure of R 109 413.17 for payments made to his wife.			

3.4 INVESTIGATIONS INTO MEDIA REPORTS AND OTHER LEADS OBTAINED IN NORTH WEST

	Summary of issues raised	Findings	Contraventions of policy/ legislation
1	Nexus report The DBE appointed Nexus Forensic Services (Nexus) two years ago to investigate allegations that SADTU had irregularly influenced the appointment of officials to senior positions in the North West Bojanala district.	We established that Nexus did indeed perform the investigation as appointed by the DBE and obtained a copy of their report reflecting the relevant allegations and findings to the report. The Task Team endeavored to establish what action was taken by the NWDoE in respect of the findings. We interviewed the HOD and no action was taken after the Nexus report. The task team is of the view that HOD's reasons for failing to take action in respect of the findings from the Nexus report, are untenable.	
Recommendations			
We recommend that the report should be considered by the Legal Department with a view of instituting disciplinary action against implicated individuals.			
2	Allegations regarding threats against <i>Ms NW-1</i> at	o She was never threatened by any SADTU member.	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	Vryburg: Thatemolathwa Primary School Ms NW-1, the Principal from Vryburg at Thatemolathwa Middle School, was threatened to be killed by SADTU members.	<ul style="list-style-type: none"> ○ The only incidents that she could recall were that the parents of two learners were not happy with her as she phoned them regarding their kids misbehaving at the school. ○ The learners concerned did not adhere to the student school policies and it was when she summoned their parents to school to tell them about their children's behavior they were furious and in a fighting mood. ○ She reported those parents to their respective departments as one was a Police Official and the other a Social worker and the problems were resolved. 	
Recommendations			
The task team found no substance in the allegations made and considers the matter finalised.			
3	Findings of allegations pertaining to the aggrieved SGBs about the appointment of Principal at Bodiri Primary school It is alleged that SGBs at Bodiri Primary School were aggrieved because they believed that the appointment of Principal was a scam.	We obtained and reviewed the appointment file and found that the appointment of Ms NW-2 as a Principal at Bodiri Primary School was irregular as Mr NW-3 was the recommended candidate who scored the highest percentage during the interview.	None noted.
Recommendations			
We recommend that the Department of Basic Education appoint Mr NW-3 as he was recommended by the selection and committee members as the candidate who scored the highest percentage during the interview.			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
4	Allegations pertaining to NW-4 and NW-5 , the Departmental officials who solicited R2 000.00 for the renewal of contracts for contract Teachers.	There is no evidence to suggest that Ms NW-4 and NW-5 solicited R2000.00 in bribes from Contract Teachers as their appointments are done by Principals and District Offices.	None noted.
Recommendations			
We recommend no further action in this regard.			
6	It was alleged that Mr NW-6 did not have the qualifications and experience for the post, but was appointed to the post due to his affiliation to SADTU.	Mr NW-6 did not meet the requirements for the position from the onset. His shortlisting and subsequent appointment was irrational and indefensible.	
Recommendations			
We recommend that he matter be investigated in further detail.			

3.5 INVESTIGATIONS INTO MEDIA REPORTS AND OTHER LEADS OBTAINED IN MPUMALANGA

	Summary of issues raised	Findings	Contraventions of policy/ legislation
1	Alleged kidnapping of Former Deputy Principal of WCCM Primary School According to the allegations, Ms MPU-1 was kidnapped by people who claimed they were sent by SADTU members and were paid R10 000 to kidnap her in 2007.	Based on the findings of the investigation that was conducted, there is no evidence that a union was identified as being involved. It appears that only a teacher from WCCM was involved.	None noted.
Recommendations			
Based on the findings of the investigation conducted, it is recommended that a follow-up be made with a Detective regarding the progress of the court action and the matter should be regarded as finalised for the purposes of this report.			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
2	Gert Sibande District – Ms MPU-2 Allegations that the former District Director of Gert Sibande district, Ms MPU-2 , was removed from her post because she did not want to get involved in the selling of posts.	Based on the findings of the investigation that was conducted, Ms MPU-2 was not forced to resign but agreed to leave the Gert Sibande District as part of her sanction.	None noted.
Recommendations			
We recommend no further action.			
3	Ehlanzeni District: Legazi Primary School Allegations that Mr MPU-3 was appointed as a Principal at Lekazi Primary School. According to the allegations, the appointment was irregular as there was no advertisement for the post.	Based on the findings of the investigation that was conducted, Mr MPU-3's appointment at Lekazi Primary School was not irregular as he was horizontally transferred from Mpatleng Secondary School where he was a Principal to Lekazi Inclusive School when the previous Principal Ms MPU-4 retired. The transfer was duly approved by the Circuit Manager and the Regional Director.	None noted.
Recommendations			
We recommend no further action.			
4	Ehlanzeni District: Thandulwazi Primary School Allegations that Ms MPU-5 was deployed as a Principal at Thandulwazi Primary School. According to the allegations, the appointment was irregular as there was no advertisement for the post. Furthermore, she later	Based on the findings of the investigation that was conducted, Ms MPU-5's appointment at Thandulwazi Primary School was not irregular as she was horizontally transferred from Ramosukula Primary School where she was a Principal to a vacant post at Thandulwazi where she is	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	got appointed as a Circuit Manager, replacing the Circuit Manager who deployed her.	<p>still a Principal.</p> <p>The transfer was duly approved by the Circuit Manager and the Regional Director.</p> <p>All recruitment and appointment processes were adhered to in the appointment of Ms MPU-5 as Circuit Manager.</p>	
Recommendations			
We recommend no further action.			
5	<p>Bohlabela District: Esselman Primary School</p> <p>Allegations that Mr MPU-6 replaced his mother in law when she retired at Esselman Primary School</p>	<p>Based on the findings of the investigation that was conducted, Mr MPU-6's appointment was flawed and unfair during the short-listing phase as several applicants who were more qualified than Mr MPU-6 were not short-listed.</p> <p>The resource person, MPU-7, failed to guide the SGB with regards to the proper recruitment and appointment transcripts.</p>	
Recommendations			
Based on the findings of the investigation conducted, it is recommended the resource person be charged with misconduct for failure to carry out her duties appropriately.			

3.6 INVESTIGATIONS INTO MEDIA REPORTS AND OTHER LEADS OBTAINED IN LIMPOPO

	Summary of issues raised	Findings	Contraventions of policy/ legislation
1	<p>Allegations of bribes at Moloisi Secondary School and Nkoshing Secondary School</p> <p>Allegations that the Principal of Moloisi Secondary School and Head of Department of Nkoshilo Secondary School, namely Mr LIM-1 and Mr LIM-2 respectively, paid bribes to Mr LIM-3, a Chairperson of Stanza Bopape Branch belonging to the South African Democratic Teachers Union (SADTU), amounts of R28 000.00 and R10 000.00 respectively.</p>	<p>The allegations were refuted by Messrs LIM-1 and LIM-2 and based on the procedures performed, we could not find any evidence supporting the allegations.</p>	<p>None noted.</p>
Recommendations			
We recommend no further action.			
2	<p>Appointment of CS1 educator to the post of Principal without meeting the requirements</p> <p>It is alleged that the appointed Principals of the schools listed below were appointed from CS1 post to the post of Principalship and that they did not meet the requirements for a Managerial (Potential) experience.</p> <p>The following schools have been implicated:</p> <ul style="list-style-type: none"> ○ Seula Mmako Primary School ○ Ramakgotho Primary School 	<p>Based on the procedures performed, we found no substance in the allegations.</p> <p>Concerns however were noted in the recruitment process of the Principal at Khureng Primary School which will require further follow up. A file has been requested at the Lebowa kgomo District to pursue the matter further.</p>	<p>None noted.</p>

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<ul style="list-style-type: none"> ○ Dikgeu Primary School ○ Khureng Primary School ○ Sello Primary School ○ Chita Kekana Primary School ○ Botshwa Primary School ○ Mapotla Primary School ○ Radira Secondary School ○ Selowe Primary School ○ Kgotloana Primary School ○ Sefahone Primary School. 		
Recommendations			
Further investigation is required relating to the Khureng Primary School.			
3	<p>The Department of Basic Education is currently conducting investigation into the allegations of selling of posts of Educators at Province.</p> <p>The following allegations were made:</p> <ul style="list-style-type: none"> ○ All the Acting Principals were appointed despite failing during the interviews. The Principals were appointed because they are related to the District Director. They were appointed because of SADTU. The individuals and schools (5) implicated are as follows: 	<p>Luvhengo Secondary School</p> <ul style="list-style-type: none"> ○ Based on the investigation, we conclude that the Principal post was advertised and Ms LIM-4 was shortlisted and went through the interview process. ○ Ms LIM-4 was recommended as the best candidate and was appointed for the Principal post. <p>Tshapasha Primary School</p> <ul style="list-style-type: none"> ○ Based on the investigation, we conclude that the principal post was advertised and Ms LIM-5 was shortlisted and went through the interview process. 	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<ul style="list-style-type: none"> Principal of Luvhengo Secondary School is the younger brother of the District Director. Principal of Tshapasha Primary School is the younger brother of the District Director. Principal of Magiledzhi Primary School (LIM-6) is the daughter in law of the District Director. Principal of Khadzinge Secondary School (LIM-7) is the cousin to the District Director. Principal of Ladzani Primary School (LIM-8) is the wife of Mr LIM-7, the cousin to the District Director. Proper procedures were not followed during the appointment of the acting principal of Wayeni Primary school (Mr LIM-9). 	<ul style="list-style-type: none"> Ms LIM-5 was recommended as the best candidate and was appointed for the principal post. <p>Magiledzhi Primary School</p> <ul style="list-style-type: none"> Based on the investigation, we conclude that the principal post was advertised and Ms LIM-6 was shortlisted and went through the interview process. Ms LIM-6 was recommended as the best candidate and was appointed for the principal post. <p>Khadzinge Secondary School</p> <ul style="list-style-type: none"> Based on the investigation, we conclude that the Principal post was advertised and Mr LIM-7 was shortlisted and went through the interview process. Mr LIM-7 was recommended as the best candidate and was appointed for the Principal post. <p>Ladzani Primary School</p> <ul style="list-style-type: none"> Based on the investigation, we conclude that the Principal post was advertised and Ms LIM-8 was shortlisted and went through the interview process. Ms LIM-8 was recommended as the best candidate and was appointed for the Principal post. <p>Wayeni Primary School</p> <ul style="list-style-type: none"> Based on the investigation, we conclude that Wayeni 	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
		<p>Primary School was underperforming under the principal of Mr LIM-10.</p> <ul style="list-style-type: none"> Most educators were not doing their work as expected by the Department. Mr LIM-9 was brought to Wayeni Primary School during the Rationalisation and Redeployment process to fill in the HOD post after the resignation of Mr LIM-9. Mr LIM-9 was recommended and appointed as the Acting Principal of Wayeni Primary School. The Recommendation of Mr LIM-11 to act as an HOD was not approved by the Department. The school is performing since the arrival of Mr LIM-9. 	
Recommendations			
It is recommended that the matter should be regarded as finalised.			

3.7 INVESTIGATIONS INTO MEDIA REPORTS AND OTHER LEADS OBTAINED IN EASTERN CAPE

	Summary of issues raised	Findings	Contraventions of policy/ legislation
1	<p>DD Siwisa Primary School: Grahamstown Education District</p> <p>The allegations are that:</p> <ul style="list-style-type: none"> Mr EC-1 could not have been successful in the 	<ul style="list-style-type: none"> Mr EC-3 failed to advise the initial Selection and Interview committee about the District management plan which set out the selection and interview process. 	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>interviews for a position of Principal at DD Siwisa.</p> <ul style="list-style-type: none"> ○ Mr EC-1 was the SADTU preferred candidate. ○ Mr EC-2 of NAPTOSA was initially recommended for the position by the SGB. But due to alleged SADTU influence the panel re-performed the interviews. We understand that in this process, the panelists were instructed to “over score” Mr EC-1 above other candidates. ○ Mr EC-2 disputed the proceedings and the consequent outcome. As a result a settlement amount of R90 000 was paid to Mr EC-2. 	<ul style="list-style-type: none"> ○ Mr EC-3 did not delay the process and wait for the appointment of the new SGB in accordance with the dates set out in the plan. 	
Recommendations			
Disciplinary action be instituted against Mr EC-3 for failing to adhere to the dates contained within the District Management Plan. Mr EC-3 should be held accountable for the fruitless and wasteful expenditure caused for failing to implement the Districts Management Plan on dates of shortlisting and interviews.			
2	<p>Allegations relating to Mr EC-4 of Uitenhage Education District</p> <p>It is alleged that:</p> <ul style="list-style-type: none"> ○ Mr EC-4, a SADTU Executive member, was appointed as a Chief Education Specialist (CES) having been a Principal of a school. ○ He has never in the history of his employment submitted any certified copies of education 	<p>Mr EC-4 submitted an affidavit in support of not having his original qualification which he claims he lost due to fire.</p> <p>When he submitted the affidavit, he attached either uncertified or old certified copies of his qualifications.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	qualifications. He always makes affidavits and ends up being appointed on the basis of the affidavits.		
Recommendations			
The qualifications of Mr EC-4 should still be sent to SAQA for verification of authenticity.			
3	<p>Allegations At Mzamomhle Special School At Uitenhage Education District</p> <p>The allegations were that Ms EC-5 an HOD in a special school was deprived of a post of a principal at the above mentioned school and a SADTU linked person, Mr-EC-6 was recommended for the post, who by now has been suspended along with his Deputy Principal Mr EC-7 for embezzlement of school funds.</p> <ul style="list-style-type: none"> ○ A Circuit Manager (Ms EC-8) who apparently was not a member of SADTU noticed the misappropriation of funds by the School Principal and she raised the matter with Labour relations unit headed by Mr EC-5 (CES drawn from SADTU). But strangely enough, the Principal was not charged, instead the Circuit Manager was charged with the intention to be dismissed, and as such she was ultimately dismissed, so as to save Mr EC-6. ○ Currently Mr EC-6 (along with his Deputy Principal) 	<p>Ms EC-8 has since been dismissed from the Department on various charges.</p> <p>The matter of Mr EC-6 is now held by the Provincial Office after it was referred to by the District Office.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	is suspended due to intervention of the Eastern Cape Standing Committee for Education after whistle blowing. Ms EC-8 is ready to testify when need arises.		
Recommendations			
That no further action be taken in this regard.			
4	Kwanoxolo Primary School at Port Elizabeth Education District The allegations were that: <ul style="list-style-type: none"> ○ The Principals' post profile required someone having an experience in teaching Arts and Culture in the primary school. Mr EC-9 who had only a background of teaching IsiXhosa in grade 12 at Willhope Secondary School (A SADTU prominent guy) was recommended. ○ Ms EC-10 who has a PhD degree and who was HOD in a primary school was not shortlisted, and on declaring a dispute she receive a handshake of R40 000 as a settlement from the department of education. 	The matter raised as per the allegations has been dealt with at an arbitration level. Any further dispute should be done with the Labour Court, as the matter can be disputed at that level in so far as challenging the conclusions and recommendations of the commissioner in arbitration.	None noted.
Recommendations			
No further action to be taken.			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
5	<p>Fumisukoma Primary School at Port Elizabeth Education District</p> <p>The allegations were that:</p> <ul style="list-style-type: none"> ○ Mr EC-11, the Deputy Principal of Nxanelimfundo Primary School, with 19 years' experience as a Deputy Principal of a primary school applied for the post. ○ He was not recommended for the post instead Mr EC-12 (then SADTU Motherwell Branch Secretary) who was teaching at Ndyebo SSS. ○ Mr EC-13 a Circuit Manager under whom the school belongs, was not allowed to be a resource person but rather Mr EC-14 (Circuit Manager who was a SADTU member) was deployed under instruction to be a resource person. 	<p>The matter raised as per the allegations has been dealt with at an arbitration level.</p> <p>Any further dispute should be done with the Labour Court as the matter can be disputed at that level in so far as challenging the conclusions and recommendations of the commissioner in arbitration.</p>	None noted.
Recommendations			
We recommend no further action.			
6	<p>Luthando Luvuyo Special School at Port Elizabeth Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ A post of a Deputy Principal: Ms EC-15 (NAPTOSA) who was an experienced HOD of a Special school 	<p>The matter was dealt with at the Labour Court as per judgement dated 20 August 2015. In so far as the complaint relates and as far as conducting any investigation, the matter can only be dealt with by the Labour Court.</p> <p>The matter raised as per the allegations has been dealt with</p>	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>came position 2 as per scores of the panel and Ms EC-16 (SADTU member) with no experience of working in a special school whatsoever came position 1 as per scores of the panel.</p> <ul style="list-style-type: none"> ○ When the SGB wanted to use their power to rectify the position and recommend Ms EC-15 as the more appropriate candidate. ○ The SADTU Circuit Manager, who was a resource person, threatened the SGB not to do so. And as such Ms EC-16 was appointed the deputy principal of the school. 	<p>at an arbitration level. Any further dispute should be taken to the Labour Court, as the matter can be disputed at that level, in so far as challenging the conclusions and recommendations of the commissioner in arbitration.</p>	
Recommendations			
7	<p>Khanyisa Special School for the Blind/Visual Impaired at Port Elizabeth Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ The post of a Principal was advertised in 2012 and interviews were conducted on 5 October 2012. ○ Amongst the shortlisted there was a Deputy Chief Education Specialist (DCES) – Ms EC-17, Principal of a nearby special school – Mr EC-18 (who did not show up on the interview day) and Mr EC-19, who 	<p>The allegations were refuted by both Mr EC-21 and Mr EC-19.</p> <p>No evidence could be obtained to substantiate the allegations.</p>	<p>None noted.</p>

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>was a Deputy Principal at Khanyisa Special School for the blind/visual impaired and a post level one teacher Ms EC-20 from Senior Primary without any background of a special school, but who was a prominent SADTU member.</p> <ul style="list-style-type: none"> ○ Mr EC-19, the Deputy Principal had since crossed the floor from NAPTOSA as he was advised that the SADTU circuit manager Mr EC-21 has pronounced that he was going to ensure that only SADTU members shall be considered for appointment. 		
Recommendations			
We recommend no further action.			
8	<p>Allegations at Jongisizwe Nkwenkwezi Senior Secondary School: Cofimvaba Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ Mr EC-22, the former school Principal, was formerly charged for a number of misconducts and the final sanction was demotion to a post of a deputy Principal. ○ Mr EC-22 challenged the sanction but the status remained unchanged. The allegations also stated that Mr EC-22 was not taken to the post of deputy 	<p>Mr EC-22 was demoted to a post of a Deputy Principal after he was found guilty in three counts of misconduct.</p> <p>Mr EC-22 is working at the District Office as currently there is no post of a deputy Principal within the Cofimvaba Education District. Mr EC-22's salary is reduced from the level of the Principal to the level of the deputy Principal.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>Principal but was seconded to the District Office.</p> <ul style="list-style-type: none"> ○ Mr EC-23: Acting District Director wrote letters stating that Mr EC-22 should be translated to an office-based post, which resulted as a promotion due to his Union affiliation. 		
Recommendations			
We recommend no further action.			
9	<p>Allegations at Entilini Senior Primary School: Cofimvaba Education District</p> <p>It was alleged that</p> <ul style="list-style-type: none"> ○ Mr EC-23: Acting District Director at Cofimvaba Education District had targeted someone who was not meeting the criteria to be appointed to the Principalship post at Entilini Junior Secondary School. ○ Every time the shortlisting was done, Mr EC-23 would out of the blue call it to be redone. It was further alleged that shortlisting was done three times. 	<p>Mr EC-23 took a management decision and instructed Mr EC-24 to redo the shortlisting in managing the complaints that were lodged.</p> <p>Short-listing was re-done the second time as a result of the complaints received, and again a third time because the second round had too many short-listed candidates.</p> <p>No evidence could be obtained to substantiate the allegations.</p>	None noted.
Recommendations			
We recommend no further action.			
10	Allegations at Mkhululi Junior Secondary School:	Mr EC-25 obtained supplementary results in Accounting	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>Cofimvaba Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ The Principal of the school, Mr EC-25, is a SADTU Branch Exco chairperson in Cofimvaba and does not have teaching qualifications. ○ He was having supplementary examinations until the College was closed down during rationalisation having not attempted to write his supplementary examinations and it was questionable how he became the Principal of a school being an under qualified teacher. 	<p>from the University of Transkei in 1992. Mr EC-25 was awarded a Secondary Teachers Diploma from the University of Transkei in 2000.</p> <p>Mr EC-25 attached a letter to his application directed to the District Director of Cofimvaba explaining the contradiction between his certificate and the date of his professional certificate.</p>	
Recommendations			
The qualifications of Mr EC-25 should still be sent to SAQA for verification of authenticity			
11	<p>Mpotulo Junior Secondary School at Cofimvaba Education District</p> <p>The allegations were that:</p> <ul style="list-style-type: none"> ○ After the shortlisting in 2014 for a Principal post, Mr EC-26, (SADTU member), heard that Mr EC-27 is earmarked by the SGB. ○ Mr EC-26 convened a meeting on the night prior to the interview at Mzomhle Village with Ms EC-28 who was going to be a scorer and teachers 	<p>Ms EC-28 was a scorer during the interview process at Mpotulo Junior Secondary School. Ms EC-28 denied the allegations that resulted in Mr EC-27 not been appointed.</p> <p>Ms EC-30 was appointed after Mr EC-29 rejected the offer at Mpotulo Junior Primary School.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>representative. It was also alleged that the aim of the meeting was to use Ms EC-28 to influence the SGB to score in favour of Mr EC-29 against Mr EC-27.</p> <ul style="list-style-type: none"> ○ Mr EC-27 emerged as number three (3) due to underscoring by Ms EC-28. ○ Mr EC-29 was number one (1) and Mr EC-27 was made number four (4), but Mr EC-29 declined the offer in favour of Maduna Junior Secondary School 		
Recommendations			
We recommend no further action at this stage.			
12	<p>Allegations at Gcingca Junior Secondary School at Cofimvaba Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ In 2013 shortlisting was done and the Acting Principal (Ms EC-31) was earmarked by the SGB based on her performance during her acting period. ○ The evening prior to the interviews, a panelist had a meeting with one of the applicants (Mr EC-32), which was arranged by Mr EC-33. ○ It was also alleged that panelists were given R500 each so that they underscore Ms EC-31 so that she 	<p>Mr EC-32 obtained the highest marks during the interviews and was recommended by the panel for appointment. Three members of the panel denied having received R500 each.</p> <p>No further evidence could be obtained to substantiate the allegation.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>maybe either be position four (4) or five (5).</p> <ul style="list-style-type: none"> ○ The information leaked and parents organised their meeting and sent their delegation to the Circuit Manager: Mr EC-34 downplayed the protest. It was further alleged that Mr EC-32 emerged as a winner though he was not budging. 		
Recommendations			
We recommend no further action at this stage.			
13	<p>Allegations at Mpeko Senior Secondary School at Mthatha Education District</p> <p>The allegations were that</p> <ul style="list-style-type: none"> ○ The “misbehavior” of school teachers attracted the media and received coverage on “Cutting Edge”. ○ In 2014 the Principal of the school retired and the post was advertised and shortlisting was done. ○ The resource person, Mr EC-35 was changed and a new official was given an instruction not to carry on with the interviews but to shortlist and include the cousin to the District Director: Mr EC-36. ○ Mr EC-36 re-advertised the post without consulting SGB and the school’s community consulted the Premier’s office and the shortlisting had been 	<p>The interview was postponed three times and only two candidates were interviewed as other three candidates were no longer interested.</p> <p>The District Director refused to sign the recommendations by the panel because only two candidates participated in the interview.</p> <p>The Director-General intervened and gave instructions to re-advertise the post and the training of the SGB members. The instructions of the Director-General were followed and the shortlisting was scheduled to take place on 14 October 2015.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	postponed twice.		
Recommendations			
We recommend no further action.			
14	<p>Allegations at Mqanduli Village Junior Secondary School at Mthatha Education District</p> <p>The allegations were that:</p> <ul style="list-style-type: none"> ○ Mr EC-37, a post level one teacher in the school belonging to SADTU was called for an interview despite his name was not there in the master list and he was interviewed as the sixth candidate. ○ Mr EC-37 emerged as a winner depriving Ms EC-38, (NAPTOSA member), a deputy Principal at school and she came position two (2). ○ A dispute was declared and the appointment was set aside and the department was instructed to re-advertise the post. ○ The post was re-advertised in 2015 according to the allegations and Mr EC-37 became a level one teacher and after the award was issued out of the deputy Principal (Ms EC-38) was the one who was supposed to act as the Principal unless she declined. ○ It was further alleged that the District Director: Mr 	<p>Mr EC-37 applied for a post of a Principalship advertised in the bulletin volume 3/2012. Mr EC-37 went through the interview process and was recommended and appointed.</p> <p>Mr EC-37 was appointed as the Principal of Mqanduli Village Junior Secondary School in either of the post advertised in bulletin volume 2/2011, volume 1/2012 and volume 2/2012. However, Mr EC-37 did not apply in any of the above-mentioned post.</p> <p>The documents of the second interview were not obtained, but Mr EC-37 was appointed again in 2015 on the same post.</p>	

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	<p>EC-36 instructed the late Mr EC-39 to call an illegal meeting and cause those people to vote in favour of Mr EC-37 to act as the Principal against the law.</p> <ul style="list-style-type: none"> It was further alleged that the Department manipulated the SGB to recommend Mr EC-37 for appointment of the Principalship post being at post level one (1) teacher against the deputy Principals and the HODs. 		
Recommendations			
Recommendations cannot be made as some of the documents are still to be obtained.			
15	<p>Allegations at Ngcobo Village Senior Secondary School at Ngcobo Education District</p> <p>The allegations were that during the appointment process of a Principal post, the deputy Principal, Mr EC-40 was not shortlisted in favour of Mr EC-41, a post level one teacher who was a SADTU Branch secretary in 2014.</p> <p>It was also alleged that Mr EC-41 was appointed as per instructions of Mr EC-42 who was vocal indicating whom they are targeting for the post.</p>	<p>Mr EC-42 refuted the allegations. At the time of writing the report the recruitment file was still outstanding and therefore Mr EC-41's qualifications and experience could not be verified.</p>	
Recommendations			
The matter should be investigated further.			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
16	<p>Allegations at Ngcobo Education District: DCES – GET Curriculum, (Office-Based Post)</p> <p>It was alleged that</p> <p>The allegations were that Mr EC-42 who was the Acting District Director, met with SADTU Chairperson Mr EC-43 asking him to offer the name of the person who they would like to be appointed. It was also alleged that a name of Mr EC-44 was put forward and he is currently a SES curriculum and a former SADTU Ngcobo branch in the executive that was led by the lifetime Ngcobo branch chairperson Mr EC-43.</p> <p>It was also alleged that during the shortlisting criterion was that only SESs were to be shortlisted to accommodate the decision.</p> <p>It was further alleged that another Union raised concerns and the District organised the police and securities to man the interview venue</p>	<p>Mr EC-42 was involved in the recruitment process of the DCES curriculum GET. Mr EC-42 stated that he came with a criterion to shortlist as there were many applications and the panel was satisfied during the shortlisting process.</p> <p>The interview process was interrupted twice and the third time they called the police for security reasons. Recruitment file was requested but unavailable at the time the report was written.</p>	None noted.
Recommendations			
We recommend no further action.			

	Summary of issues raised	Findings	Contraventions of policy/ legislation
17	<p>Allegations regarding appointment of Mr EC-45 at Cofinvaba Education District</p> <p>It was alleged that:</p> <ul style="list-style-type: none"> • Mr EC-45 was appointed as the Deputy Chief Education Specialist without going through the interviewing process as there was a fear that some of the applicants were heavyweights for him to contest with. • It was also alleged that there was a meeting that was chaired by Mr EC-46 where it was decided that fictitious interview papers must be filled and Mr EC-45 to be recommended as the winner. 	<p>Based on the investigation, we conclude that the post of Deputy Chief Education Specialist was advertised and Mr EC-45 was shortlisted and went through the interview process.</p> <p>Mr EC-45 was recommended as the best candidates and was appointed for the post of DCES.</p> <p>We could find no evidence to substantiate the allegations.</p>	None noted.
Recommendations			
We recommend no further action.			
18	<p>Allegations pertaining to the appointment of Mr EC-47 at Cofimvaba Education District</p> <p>It was alleged that Mr EC-47 was a post level 1 educator in 2007 and he was an applicant to the Post of Deputy Chief Education Specialist – Agricultural Science. It was also alleged that as prior the interaction between Mr EC-47 and Mr EC-46, the then Acting Director, it was</p>	<p>We found that that the post of Deputy Chief Education Specialist (Agricultural Science) was advertised and Mr EC-47 was shortlisted and went through the interview process.</p> <p>Mr EC-47 was recommended as the best candidates and was appointed for the post of DCES. Mr EC-47 denied paying Mr EC-46 any money to be appointed.</p> <p>We could find no evidence to substantiate the allegations.</p>	None noted.

	Summary of issues raised	Findings	Contraventions of policy/ legislation
	agreed that Mr EC-47 was going to be appointed no matter what, but he was required to advance some cash as he was not an executive member in his union.		
Recommendations			
We recommend no further action.			
19	<p>Allegations pertaining to the appointment of Mr EC-46 as District Director at Queenstown District.</p> <p>The allegations were that:</p> <ul style="list-style-type: none"> • During the appointment process of a District Director, the former Manager of Grahamstown: Mr EC-48 application disappeared in transit and as such it was not there on the day of the shortlisting. It was also alleged that it was done deliberately as he was a potential candidate in that at the time Mr EC-48 was a Chief Education Specialist (CES) in the office of a Cluster Chief Director. • Mr EC-49 who was apparently going to chair the panel. Mr EC-46 was appointed as a District Director without being an applicant to the post. 	Based on the investigation, we found that the appointment of Mr EC-46 was irregular as he did not meet the requirement for the post and he was not amongst the shortlisted candidates.	Procedural irregularity.
Recommendations			
We recommend the Department to re-advertise the Post of District Director at Queenstown District.			